

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

TODD MICHAEL TOMASELLA on
behalf of the ESTATE OF TODD
MICHAEL TOMASELLA,

Plaintiffs,

V.

WARREN K. PAXTON, JR. KAUFMAN
COUNTY TEXAS, DIVISION OF CHILD
SUPPORT, KAUFMAN COUNTY CHILD
SUPPORT, 88TH DISTRICT COURT,
RUTH BLAKE, CASEY BLAIR, BRYAN
W. BEAVERS,

Defendants.

NO. 3:20-CV-0476-S

DEFENDANTS' REPLY IN SUPPORT OF MOTION TO DISMISS

COME NOW, Defendants Bryan Beavers and Rhonda Hughey (“Defendants”), by and through their counsel of record, and file this Reply in Support of their Motion to Dismiss and respectfully show the following:

Plaintiff's Combined Response to Defendants' Motion to Dismiss does nothing to save his claims against Defendants from being dismissed. *First*, Plaintiff has not and cannot allege any act or omission by these Defendants, the current Sheriff and District Clerk of Kaufman County, Texas, respectively, that would constitute a violation of his constitutional rights. *Second*, Plaintiff has failed to show that his claims against Defendants have been timely brought, or that there is some exception that would toll the limitations period. *Third*, Plaintiff's response fails to show why the *Rooker-Feldman* doctrine does not operate to bar his claims.

The Court should also deny Plaintiff's alternative Motion to File First Amended Complaint. While the Federal Rules of Civil Procedure are liberally applied to allow amended

pleadings, Plaintiff simply cannot allege any cognizable claim against Defendants. Indeed, Plaintiff's Proposed First Amended Complaint adds nothing that would support a finding of liability against either of the Defendants.

WHEREFORE, based on the foregoing and for the reasons described in their Brief (Doc. 28 and Supplement Brief (Doc. 34), Defendants Beavers and Hughey pray that the Court dismisses Plaintiff's claims against them and for such other relief to which they may be entitled.

Respectfully submitted,

/s/ S. Cass Weiland
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ATTORNEYS FOR DEFENDANTS
BRYAN BEAVERS AND RHONDA HUGHEY

CERTIFICATE OF SERVICE

I certify that on July 13, 2020, a true and correct copy of the foregoing was served on *pro se* Plaintiff via certified mail, return-receipt requested, and via the Court's electronic filing system if a participating recipient.

Todd Michael Tomasella
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Frisco, TX 75035

/s/ S. Cass Weiland
S. Cass Weiland